

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

ALDOE LEE FOSTER, #1182920	§	
v.	§	CIVIL ACTION NO. 6:18cv81
DIRECTOR, TDCJ-CID, ET AL.	§	

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Aldoe Lee Foster, an inmate currently confined at the Michael Unit within the Texas Department of Criminal Justice, (TDCJ), is proceeding *pro se* and *in forma pauperis* in the above styled and numbered civil rights lawsuit. The complaint was referred to the United States Magistrate Judge, the Honorable Judge K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On June 21, 2019, Judge Mitchell issued a Report, (Dkt. #42), recommending that Defendants' partial motion for summary judgment, (Dkt. #33), be granted to the extent that the motion seeks dismissal of Plaintiff's claims concerning (1) vegan Kosher meals, (2) growing long hair and a full-length beard, (3) participation in all holy days, (4) male and female hair length, and (5) prisoner-led religious services. Judge Mitchell found that Plaintiff did not exhaust his required administrative remedies as to those claims.

However, Judge Mitchell determined that Plaintiff had exhausted his claim regarding the denial of religious services—specifically African Hebrew Israelite services—and recommended that the claim proceed. Further, because that claim will proceed, Judge Mitchell recommended that Plaintiff's motion for summary judgment, (Dkt. #24), be denied.

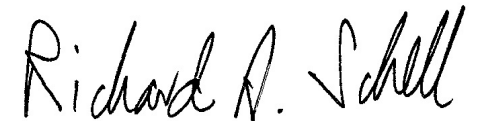
A copy of this Report was sent to both parties. Plaintiff has filed timely objections, (Dkt. #44). The court has conducted a careful *de novo* review of the record and the Magistrate Judge's proposed findings and recommendations. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Upon such *de novo* review, the court has determined that the Report of the United States Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #42), is **ADOPTED** as the opinion of the court. Plaintiff's objections, (Dkt. #44), are overruled. Further, it is

ORDERED that Defendants' partial motion for summary judgment, (Dkt. #33), is **GRANTED**. Plaintiff's claims concerning (1) vegan Kosher meals, (2) growing long hair and a full-length beard, (3) participation in all holy days, (4) male and female hair length, and (5) prisoner-led religious services are **DISMISSED WITHOUT PREJUDICE** for Plaintiff's failure to exhaust. In all other respects, Defendants' motion is **DENIED**. Plaintiff's claim concerning the denial of religious services will proceed before the court. Moreover, it is

ORDERED that Plaintiff's motion for summary judgment, (Dkt. #24), is **DENIED**.

SIGNED this the 27th day of September, 2019.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE